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By: **Senators Brinkley, Colburn, DeGrange, Greenip, Hafer, Jacobs,  
Kittleman, Kramer, and Pinsky**

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Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 2, 2004

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **~~Family Law – Adoption Subsidies – Medically Fragile Child~~**  
3 **Medically Fragile Children - Study**

4 FOR the purpose of ~~altering the calculation of an adoption subsidy for a medically~~  
5 ~~fragile child; requiring the subsidy to be reviewed and adjusted annually and~~  
6 ~~continued after a certain age until services are no longer required; requiring the~~  
7 Governor's Office for Individuals with Disabilities, with the assistance of the  
8 Department of Human Resources and the Department of Health and Mental  
9 Hygiene, to study the placement of medically fragile children in Maryland;  
10 specifying the contents of the study; requiring a certain report by a certain date;  
11 ~~and generally relating to adoption subsidies for the placement of medically~~  
12 ~~fragile children.~~

13 ~~BY repealing and reenacting, with amendments,~~  
14 ~~Article – Family Law~~  
15 ~~Section 5-410~~  
16 ~~Annotated Code of Maryland~~  
17 ~~(1999 Replacement Volume and 2003 Supplement)~~

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
19 MARYLAND, That ~~the Laws of Maryland read as follows:~~

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**Article—Family Law**2 ~~5-410.~~

3 (a) (1) Before a final decree of adoption is passed, the local department and  
4 a prospective adoptive parent of an eligible child shall make a written agreement  
5 regarding the subsidy.

6 (2) In the case of an eligible child who has special circumstances that  
7 existed before the adoption but were not detected until after the adoption, the  
8 agreement shall be made promptly after the local department approves the  
9 application for a subsidy.

10 (b) A subsidy may commence either at the time of the placement for adoption  
11 or at an appropriate time after the passage of the adoption decree.

12 (c) (1) The nature, amount, and duration of the subsidy shall be determined  
13 by:

14 (i) the needs of the eligible child because of the eligible child's  
15 special circumstances; and

16 (ii) the availability of other resources to meet the eligible child's  
17 needs.

18 (2) The subsidy may be for a limited or a long period of time.

19 (3) The subsidy shall be in an amount that is not more than:

20 (i) the allowable amount for a child under foster family care in this  
21 State, or if placement is in another state, the allowable amount for a child under  
22 foster family care in that state, whichever is higher;

23 (ii) in the case of a medically fragile child [living in a treatment  
24 foster care home, \$2,000 per month], AN AMOUNT BASED ON THE ESTABLISHED COST  
25 OF CARE OF ALL THE COSTS ASSOCIATED WITH THE CARE OF A CHILD IN FOSTER  
26 CARE UP TO THE AMOUNT THE STATE PAID FOR THE COST OF CARE FOR:

27 1. TREATMENT FOSTER CARE, WHICH PROVIDES  
28 TREATMENT IN A FAMILY SETTING, NOT TO EXCEED \$10,000 PER MONTH; OR

29 2. RESIDENTIAL PLACEMENT, WHICH PROVIDES  
30 TREATMENT IN A FACILITY, NOT TO EXCEED \$10,000 PER MONTH; or

31 (iii) if the subsidy is for a special service, a reasonable fee for that  
32 service.

33 (d) (1) If, under a subsidy agreement, the subsidy does not terminate in the  
34 first year after the final decree of adoption is passed, the subsidy is subject to annual  
35 reapplication, reevaluation, and reapproval by the local department.

1           (2)     ~~IN THE CASE OF A MEDICALLY FRAGILE CHILD, THE SUBSIDY SHALL:~~

2                     ~~(I)     BE REVIEWED AND ADJUSTED ANNUALLY TO MEET THE~~  
3 ~~CHILD'S NEEDS, WITH A MAXIMUM OF \$10,000 PER MONTH; AND~~

4                     ~~(II)    CONTINUE AFTER THE CHILD TURNS 21 YEARS OLD, UNTIL THE~~  
5 ~~INDIVIDUAL NO LONGER REQUIRES SERVICES.~~

6           ~~[(2)]~~ (3)     ~~A subsidy agreement shall include a notice of the annual~~  
7 ~~reapplication requirement.~~

8     (a)     The Governor's Office for Individuals with Disabilities, or any successor  
9 organization, with the assistance of the Department of Human Resources and the  
10 Department of Health and Mental Hygiene, shall study the placement of medically  
11 fragile children in Maryland.

12     (b)     The study shall determine:

13           (1)     the total number of medically fragile children in therapeutic foster  
14 care;

15           (2)     the number of families who have given up custody of medically fragile  
16 children;

17           (3)     the total number of medically fragile children who have been adopted  
18 and are receiving State assistance;

19           (4)     the total number of unsubsidized medically fragile children in  
20 Maryland;

21           (5)     the number of families willing to adopt a medically fragile child if  
22 ongoing support were available after the child turns 21 years of age;

23           (6)     the cost of providing services and equipment to medically fragile  
24 children;

25           (7)     alternatives to address permanency planning for medically fragile  
26 children in therapeutic foster care; and

27           (8)     any other actions that the State can take to prevent the  
28 institutionalization of medically fragile children after the age of 21.

29     (c)     The Governor's Office of Individuals with Disabilities, or any successor  
30 organization, shall report its findings and recommendations to the Governor and,  
31 subject to § 2-1246 of the State Government Article, to the Senate Finance  
32 Committee and the House Judiciary Committee on or before December 1, 2004.

33     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
34 ~~October 1, 2004~~ July 1, 2004.

